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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/787,439

02/27/2004

Yasunori Ohara

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EXAMINER

CHEVALIER, ROBERT

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

10/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/787,439

**Applicant(s)**

OHARA ET AL.

**Examiner**

Bob Chevalier

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/17/04, 2/27/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 40, 44, 48, and 52, are rejected under 35 U.S.C. 102(b) as being anticipated by Mankovitz (P.N. 5,541,738).

Mankovitz discloses a video recording/reproducing apparatus that shows all the limitations recited in claims 40, 44, 48, and 52, including the feature of receiving digital broadcasting signal and converting the same into a record-formed signal so as to record the signal on a recording/reproducing means (See Mankovitz's Figure 1, components 63-64, and 42), the feature of decoding the received broadcast signal or the reproduced signal from the recording medium and to output the decoded signal and display the same on a display means (See Mankovitz's Figure 1, component 50, and column 10, lines 21-29, and 40-44), and the feature of selecting and displaying information relative to the received signal from the broadcast signal or to the reproduced signal from the recording medium as specified thereof is present in the cited reference of Mankovitz. (See Mankovitz's column 10, lines 21-29, and 40-44, and Figure 1, component 75).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2621

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 41-43, 45-47, 49-51, and 53-55, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz in view of Arai et al (P.N.5,576,758).

Mankovitz discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claims 41, 45, 49, and 53, including the feature of displaying information from the receiving means or the recording/reproducing means. (See Mankovitz's column 10, lines 21-29, and 40-44, and Figure 1, component 75).

Mankovitz fails to specifically disclose the feature of the displayed information being indicative of the state of the receiving and recording/reproducing means as specified in the present claims 41, 45, 49, and 53.

Arai does show a recording/reproducing apparatus which includes the capability of displaying information indicative of the state of the receiving and

Art Unit: 2621

recording/reproducing means as specified in the present claims 41, 45, 49, and 53.

(See Arai et al's claim 5).

It would have been obvious to one skilled in the art to modify the Mankovitz's apparatus wherein the displaying means provided would incorporate the capability of displaying information indicative of the state of the receiving and recording/reproducing means in the same conventional manner as is shown by Arai et al. The motivation is to make easy for the user to know the operating state of the apparatus, thereby increase the efficiency of the apparatus as suggested by Arai et al.

With regard to claims 42-43, 46-47, 50-51, and 54-55, the feature of superimposing the information on the video signal or replacing the video signal with the information as specified thereof is present in the proposed combination of Mankovitz and Arai et al indicated above. (See the above rejection of claim 41).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kwon discloses a recording/reproducing apparatus which includes the capability of displaying received signal from broadcasting means or reproduced signals from a recording medium. It is noted that the signal is decoded before it is displayed. Note also the selector provided in the reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-

Art Unit: 2621

7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. Chevalier  
October 11, 2007.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER